

**RESOLUTION NO. CZAB12-4-12**

*WHEREAS* **WRC PROPERTIES, INC.**, applied for the following:

- (1) **SPECIAL EXCEPTION** to permit a bar spaced less than the required 1500' from another alcohol use.
- (2) **NON-USE VARIANCE** to permit sales of alcoholic beverages until 2:00 a.m (1:00 a.m permitted).
- (3) **NON-USE VARIANCE** to permit live entertainment and live music within a bar (not permitted).
- (4) **NON-USE VARIANCE** of zoning regulations requiring all use to be conducted within a building: to waive same to permit outdoor seating in conjunction with a bar (not permitted).

Plans are on file and may be examined in the Department of Regulatory and Economic Resources entitled "The Palms at Town & Country Center" as prepared by Robin Bosco Architects & Planners, Inc., consisting of 3 sheets a plan entitled "World of Beer" prepared by Slator Associates LLC, consisting of 1 sheet, all sheets dated stamped received 5/16/12 and a specific purpose survey prepared by Schwebke-Shiskin & Associates, Inc., consisting of 1 sheet, dated stamped received 11/17/11 for a total of 5 sheets. Plans may be modified at public hearing.

**SUBJECT PROPERTY:** Tracts "A," "B," "C," "D," "E" and "F," of "KENDALL KATHRYN MILLS-SECTION ONE," Plat Book 125 at Page 45.

**LOCATION:** Lying north of S.W. 88 Street, between S. W. 117 Avenue and the Homestead Extension of Florida's Turnpike, Miami-Dade County, Florida, and

*WHEREAS*, a public hearing of the Miami-Dade County Community Zoning Appeals Board 12 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and at which time the applicant had requested a waiver of the re-filing period, and

*WHEREAS*, this Board has been advised that the subject application has been reviewed for compliance with concurrency requirements for levels of services and, at this stage of the request, the same was found to comply with the requirements, and

*WHEREAS*, upon due and proper consideration having been given to the matter, it is the opinion of this Board that the requested special exception to permit a bar spaced less



than the required 1500' from another alcohol use (Item #1), the requested non-use variance to permit sales of alcoholic beverages until 2:00 a.m (Item #2), the requested non-use variance to permit live entertainment and live music within a bar (Item #3), the requested non-use variance of zoning regulations requiring all use to be conducted within a building: to waive same to permit outdoor seating in conjunction with a bar (Item #4) would be compatible with the area and its development and would be in harmony with the general purpose and intent of the regulations and would conform with the requirements and intent of the Zoning Procedure Ordinance and would be consistent with the Comprehensive Development Master Plan, and that the requested special exception (Item #1) would not have an adverse impact upon the public interest and should be approved, and that the request to waive the re-filing period should be granted, and

WHEREAS, a motion to approve Item #1 under Section 33-311(A)(3), to approve Items #2, #3, and #4 under Section 33-311(A)(4)(b) was offered by Jose I. Valdes, seconded by Elliot N. Zack, and upon a poll of the members present, the vote was as follows:

Peggy Brodeur	absent	Jose I. Valdes	aye
Anthony Petisco	aye	Angela Vazquez	aye
Alberto Santana	absent	Elliot N. Zack	aye
	Jorge Luis Garciga	aye	

NOW THEREFORE BE IT RESOLVED by the Miami-Dade County Community Zoning Appeals Board 12 that the requested special exception to permit a bar spaced less than the required 1500' from another alcohol use (Item #1) be and the same is hereby approved under Section 33-311(A)(3), and that the requested non-use variance to permit sales of alcoholic beverages until 2:00 a.m (Item #2), the requested non-use variance to permit live entertainment and live music within a bar (Item #3), and the requested non-use variance of zoning regulations requiring all use to be conducted within a building: to waive same to permit outdoor seating in conjunction with a bar (Item #4) be and the same are



hereby approved under Section 33-311(A)(4)(b), with Items #1 through #4 subject to the following conditions:

1. That a site plan be submitted to and meet to and meet with the approval of the Director of the Department of Regulatory and Economic Resources upon the submittal of an application for a building permit and/or Certificate of Use; said plan must include among other things but not be limited to, location of structures, exits and entrances, drainage, walls, fences, landscaping, signs, etc.
2. That in the approval of the plan, the same be substantially in accordance with that submitted for the hearing entitled, "The Palms at Town & Country Center" as prepared by Robin Bosco Architects & Planners, Inc., consisting of 3 sheets a plan entitled "World of Beer" prepared by Slator Associates LLC, consisting of 1 sheet, all sheets dated stamped received 5/16/12 and a specific purpose survey prepared by Schwebke-Shiskin & Associates, Inc., consisting of 1 sheet, dated stamped received 11/17/11 for a total of 5 sheets.
3. That the use be established and maintained in accordance with the approved plan.
4. That the applicant obtain a Certificate of Use from and promptly renew same annually with the Department of Regulatory and Economic Resources, upon compliance with all terms and conditions, the same subject to cancellation upon violation of any of the conditions.
5. That the sale of alcoholic beverages until 2 a.m. the next day be restricted to Thursday, Friday and Saturday only.
6. That no outdoor live music shall be permitted, however live music from inside the establishment may be played through outdoor speakers.

*BE IT FURTHER RESOLVED*, that the request to withdraw the re-filing period should be granted, and that the re-filing period be and the same is hereby waived.

*BE IT FURTHER RESOLVED*, notice is hereby given to the applicant that the request herein constitutes an initial development order and does not constitute a final development order and that one, or more, concurrency determinations will subsequently be required before development will be permitted.

The Director is hereby authorized to make the necessary notations upon the maps and records of the Miami-Dade County Department of Regulatory and Economic Resources and to issue all permits in accordance with the terms and conditions of this resolution.



*PASSED AND ADOPTED* this 31<sup>st</sup> day of July, 2012.

Hearing No. 12-7-CZ12-2  
ej

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY  
COMMISSIONERS ON THE 6<sup>TH</sup> DAY OF, 2012.

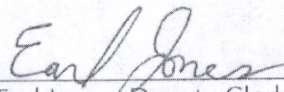


STATE OF FLORIDA

COUNTY OF MIAMI-DADE

I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Regulatory and Economic Resources as designated by the Director of the Miami-Dade County Department of Department of Regulatory and Economic Resources and Ex-Officio Secretary of the Miami-Dade County Community Zoning Appeals Board 12, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. CZAB12-4-12 adopted by said Community Zoning Appeals Board at its meeting held on the 31<sup>st</sup> day of July, 2012.

IN WITNESS WHEREOF, I have hereunto set my hand on this the 6<sup>th</sup> day of August, 2012.



Earl Jones, Deputy Clerk (3230)  
Miami-Dade Department of Department of Regulatory  
and Economic Resources

SEAL

